

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JULIA HUBBARD and KAYLA
GOEDINGHAUS,

Plaintiffs,

V.

TRAMMELL S. CROW, JR.; BENJAMIN TODD ELLER; RICHARD HUBBARD; MELISSA MILLER; SCOTT WOODS; COE JURACEK; PHILIP ECOB; CODY MITCHELL; RALPH ROGERS; ROBERT PRUITT; SCOTT BRUNSON; CASE GROVER; MICHAEL HYNES, JR.; SHAWN MAYER; JADE MAYER; AARON BURLINGAME; and RCI HOSPITALITY HOLDINGS, INC.,

Defendants.

Case No. SA-23-CA-580-FB

Judge: Hon. Fred Biery
Date Action Filed: May 8, 2023
(transferred)

PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT

Consistent with the proposed deadlines set forth in the Parties’ joint Scheduling Recommendation, filed February 2, 2024 (Dkt. No. 272), Plaintiffs respectfully request permission to file the attached Proposed Second Amended Complaint (attached hereto as Exhibit A). As shown from the attached redline showing changes from the Amended Complaint (attached hereto as Exhibit B), in addition to removing certain allegations concerning previously dismissed defendants—including Joseph Bolin (*see* Ex. A ¶¶ 14, 129, 133, 141; Ex. B at 59–60); Paul Pendergrass (*see* Ex. A ¶ 39; Ex. B at 38, 66); Marc Molina (*see* Ex. A ¶¶ 42-44, 239); and various corporate entities owned by Richard Hubbard (Integrity Based Marketing, LLC; Storm Fitness

Nutrition, LLC; Ultra Combat Nutrition, LLC; Ecolift Homes LLC; and Elevated Wellness Partners LLC (*see* Ex. B at 13))—the Proposed SAC reasserts claims against Mrugeshkumar Shah, Michael Cain, H.J. Cole, Kurt Knewitz, and Richard Butler, who were previously not served and for that reason dismissed without prejudice (Dkt. No. 262). Plaintiffs believe that Shah, Cain, Cole, Knewitz, and Butler can be properly and timely served and participate in this suit without interruption of the Parties’ proposed schedule, including because the Parties are likely to seek third-party discovery from these individuals even if they are not parties. Plaintiffs do not otherwise make substantive changes to their allegations. Consistent with the Court’s Order to serve relevant filings on Defendants Richard Hubbard, Scott Brunson, Philip Ecob, Ralph Rogers, and Michael Hynes (Dkt. No. 278), Plaintiffs intend to serve the Proposed Second Amended Complaint on those Defendants as well.

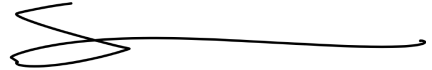
Accordingly, Plaintiffs respectfully request leave to file the Proposed Second Amended Complaint, attached hereto as Exhibit A.

Dated: Tiburon, California
February 20, 2024

By: 
Matthew W. Schmidt*
SCHMIDT LAW CORPORATION
116A Main Street
Tiburon, California 94920
Telephone: (202) 746-9110
matt@schmidtllc.com
Attorney for Plaintiffs
*Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that on the 21th day of February 2024, the foregoing document was filed with the Clerk of Court using the CM/ECF system, and was served on all counsel of record via E-mail:

A handwritten signature in black ink, appearing to read 'Matthew W. Schmidt', with a long horizontal stroke extending to the right.

Matthew W. Schmidt